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HEALTH CARE UNDER ATTACK

The tragic case of Terri Schiavo, the Florida woman who suffered severe brain damage and has been in a persistent vegetative state for over a decade, prompted many people to make decisions about their own end of life care. They filled out living wills, which allow people to direct their doctors to stop treatment in cases of terminal illness or brain death. They filed Health Care Power of Attorney forms authorizing specific people to make health care decisions on their behalf if they were incapacitated.

Recently, news stories highlighted the case of a woman in northern Wisconsin who went to a pharmacy to refill her birth control prescription. The pharmacist asked her why she was using it. When she responded "birth control," he refused to fill her prescription or transfer it to another pharmacy.

What do these stories have in common? The Right to Life lobby wants to take away your right to make personal health care decisions. Under a bill labeled the "conscience clause", (AB67) which already passed both houses of the legislature, medical professionals and facilities could refuse to honor advance directives and many other treatments on moral or ethical grounds without fear of disciplinary action. This draconian measure is a direct attack on the health care options available to people at times when they are in crisis and most vulnerable.

How might this bill affect your health care decisions?

- Medical professionals could ignore the explicit wishes of patients as outlined in advance directives.
- Doctors, pharmacists, clinics, and hospitals could refuse to provide treatment or medication based on moral objections, and could refuse to refer the patient to someone who will.
- Health care practitioners and facilities have no duty to post notice so that patients know ahead of time that certain treatments may be refused.
- Patients who have been denied treatment have no legal recourse whatsoever.

This bill is dangerous to the health and welfare of women in particular, and inhumane to the dying. Many major health care and hospice organizations opposed AB 67. It is also unnecessary, as current law, in place since the 1970s, allows physicians, hospitals, and other health care workers to decline to perform abortions and sterilization for moral or religious reasons.

The Governor is expected to veto this bill, and I believe we have enough votes to uphold the veto. In the meantime, it is still a wise decision to complete advance directives. You may request copies of these documents by filling out the request form below. They are also available at the Department of Health and Family Services web site:
www.dhfs.state.wi.us/forms/AdvDirectives/index.htm

Job Performance Evaluation

	Very Good	Good	Fair	Poor	Don't Know
President George Bush	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
U.S. Senator Russ Feingold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
U.S. Rep. Tammy Baldwin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Governor Jim Doyle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Senator Fred Risser	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Rep. Terese Berceau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
County Executive Kathleen Falk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Madison Mayor Dave Cieslewicz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fitchburg Mayor Tom Clauder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

State Blue Books and Highway Maps still available!

I have about 200 hardbound 2003-04 State of Wisconsin Blue Books and Highway Maps still available -- free of charge. If you would like one, check the appropriate box and include your address above.

- ☐ **Wisconsin Blue Book**
- ☐ **Wisconsin State Highway Map**
- ☐ **Advance Directive Forms**

Keep an eye on your state legislature!

To view real-time action of the Assembly:
<http://www.legis.state.wi.us/insession/assembly/index.htm>

To receive automatic updates on legislation in which you are interested:
<http://notify.legis.state.wi.us/home.aspx>



On March 2nd, Terese and other Assembly Democrats introduced the Women's Health and Education Act. This legislation is designed to counter efforts to restrict women's access to family planning services by repealing portions of Wisconsin's Family Planning Waiver. That action could put the entire program and over \$38 million in federal Medicaid funding at risk. Ironically, this move comes on the coattails of a recent national study showing that Wisconsin has the highest African-American teen birth rate in the nation.



Jesse Alswager, son of Michelle and Tom Alswager, visited my office to pick up a Wisconsin flag before embarking on a "Children's Congress" trip to Washington D.C. A group of 199 families visited the offices of their Congressional Representatives and testified before a Senate hearing on the importance of stem cell research in finding a cure for diabetes. For information on how you can support their effort, contact the Western WI Chapter of the Juvenile Diabetes Research Foundation (JDRF) at (608) 833-2873 or visit: www.jdrf.org/westernwisconsin

The results of the enclosed questionnaire will be published on Rep. Berceau's Website by May 15th!

<http://terese.us>

Or, to request that we e-mail the results to you, contact our office at:
rep.berceau@legis.state.wi.us



**TERESE BERCEAU**
STATE REPRESENTATIVE

SPRING 2004 REPORT

How to Reach Me

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Dear Neighbor:

This issue of my newsletter includes the survey that I do each session. Your responses are helpful in guiding me in how best to represent you. I also learn a lot from the comments some people include about issues, or ideas you have for legislative action. I read each reply, so I hope you will take a few minutes to complete and return your survey.

This legislative session had extraordinary challenges. With a Democratic governor and a Republican controlled Senate and Assembly, our two-year session was one of constant power struggles. In addition, I believe the legislature spent too much time on issues pushed by special interest groups at the expense of dealing with pressing matters such as the skyrocketing cost of health care, how to pay for public schools, and genuine property tax relief. Taxpayers would be outraged, for instance, if we could calculate the time spent by every legislative office answering the calls, letters, and e-mails on the issue of carrying concealed guns, when there was not one respected survey that showed majority support for concealed carry. (My mail ran six to one against.)

Much of my new legislative work this year was in the area of consumer protection, and a variety of health issues. Due to the struggles faced by a number of constituents, I took on the issue of buildings and mold, and the qualifications (or lack thereof) of mold inspectors and remediators. I continued to fight against efforts to restrict women's access to birth control and reproductive health services. I worked with the UW-Madison Economic Justice Institute on issues such as "pre-approved" credit card offers, cell phone billing practices, and strengthening the penalties for violating the Consumer Protection Act — something that hasn't been done for 30 years! And I examined a number of our existing tax exemptions (such as the one that allows corporations to avoid paying the real estate transfer fee), which have effectively transferred more burden to the individual taxpayer.

(continued inside)

Visit my website at: <http://terese.us>

(continued from front)

For more information about other bills on which I've worked with my colleagues, please visit my website. You are also always welcome to call or e-mail me to share your opinions and comments.

Sincerely,



Terese Berceau
State Representative

Berceau Bill: AB279 Becomes Law

After four years of work, my bill to revise our child custody laws to take into account the effects of domestic violence finally passed both houses of the legislature and was signed into law by Governor Doyle. Assembly Bill 279 requires courts to consider evidence of domestic violence when they determine custody of children during divorce proceedings. If a court allows physical placement of children with someone who has a record of serious domestic abuse, the court must also take steps to ensure the safety of the abuse victim and children. This is especially important when parents are transferring physical custody of their children. As the recent case of a southeastern Wisconsin woman who was kidnapped and tortured shows, instances when parents exchange custody can be extremely dangerous for victims of abuse.



Gov. Doyle signs Terese's bill, AB279, into law as Act 130 on February 2, 2004

My Bills for the 2003-04 Session

I authored the following 13 bills this session, and co-sponsored over 250 others. To learn more, visit my website at: <http://terese.us>

AB 279 Creates a rebuttable presumption against awarding a parent joint or sole legal custody if the court finds that the parent has engaged in a pattern or serious incident of abuse.

AB 963 Restores the property tax exemption for non-profit, low-income rental housing that was eliminated by a Wisconsin Supreme Court ruling in November 2003.

AB 981 Prohibits credit card companies from engaging in "bait and switch" pre-approval schemes, and requires full disclosure and prior notice of interest rate changes.

AB 690 The "Any Willing Provider" Bill. Establishes a process by which patients can keep the same doctors when they switch HMOs.

AB 980 Creates a number of consumer protections for cell phone users, particularly to protect against excessive billing practices.



Terese speaking with Channel 27 news reporter Tony Galli.

AB701 Closes a loophole in the real estate transfer fee statute that exempts corporations and limited liability companies (LLCs) from paying the same fee that residential home sellers do.

AB 979 The "Wisconsin Women's Health and Education Act." Requires emergency rooms to provide rape victims with emergency contraception. School districts that teach human growth and development must also provide information on pregnancy and STDs. Hospitals and pharmacies have to have at least one staff member available to prescribe birth control and emergency contraceptives.

AB 982 Strengthens penalties for violations of the Wisconsin Consumer Act.

AB 660 Creates a certification requirement for indoor mold inspectors and remediators to protect consumers from unqualified practitioners.

AB 247 Allows teachers to accept free or reduced-price travel or accommodations while chaperoning pupils on trips sponsored by school districts.

LRB 1743 Grants priority to city and village comprehensive plans in a municipality's extraterritorial zoning jurisdiction.

LRB 1744 Creates a procedure for cities and villages to annex town peninsulas.

LRB 1784 Allows a municipality to require that developers subdividing land within a municipality's extraterritorial plat approval jurisdiction comply with the municipality's stormwater, sanitary sewer, and other public improvement requirements.

The Flawed Taxpayer Bill of Rights

IT'S BACK!! The ill-conceived Republican property tax freeze is back and it's worse than ever. The innocuous-sounding Taxpayers Bill of Rights (TABOR) has draconian implications for state and local governments. TABOR calls for a Constitutional amendment to limit the growth of state and local spending, and would apply to all taxes and tax exemptions. It would require referenda to increase tax rates or to exceed the spending limits.

TABOR's authors like to point to Colorado as an example of how such a law would work. Colorado voters approved TABOR in 1992. Colorado did have one of the strongest economies in the country during the 1990s. But it is far from clear what role TABOR played in that growth.

The Bell Policy Center in Colorado reports the five fastest growing states economically in the 1990s were Colorado, Arizona, Utah, Idaho, and Nevada. The other four states did not implement spending limitations similar to those in Colorado, yet enjoyed the same strong economic growth. "Climate, environment, lifestyle, clean industry, and diversifying economies were the economic drivers", according to the report.

TABOR is starving state and local governments. The Bell Report reveals that eight years after passing TABOR, "Colorado fell to 50th in K-12 spending per \$1000 of personal income. By 2000, Colorado spent less than most other states on public health care services, was below the national average in immunization rates, was at the bottom in prenatal care, had the highest rate of uninsured low-income children in the nation, was almost last among states in high school graduation rates, ranked almost last in state investment in higher education and the arts, and had a growing list of highway projects that had not been funded."

In 2002, Colorado had the third worst budget gap in the nation. Yet TABOR will force additional spending cuts of more than \$1.2 billion between now and 2008. The TABOR revenue formula in Colorado is not linked to productivity and cannot respond to variations in the economic cycle. TABOR permanently lowers the base from which spending limits are calculated. Under TABOR, Colorado can never actually make advancements in the services it provides. At best it can run in place. At worst, TABOR mortgages a state's future by preventing investments in education, health care, and infrastructure.

Wisconsin has a reputation as a high tax, high service state.

Representative Berceau's Committee Assignments

Assembly Committee on Family Law
Assembly Committee on Insurance
Legislative Council Law Revision Committee
State Supported Programs Study and Advisory Committee

Assembly Committee on Urban and Local Affairs
Assembly Committee on Ways and Means
Wisconsin Artistic Endowment Foundation
Special Committee on Improving Wisconsin's Fiscal Management



Terese with a Head Start Program student group visiting the Capitol

We did recently rank in the top three in overall tax burden on individuals. Yet at the same time, we had the second lowest tax rates on corporations. In 1979, corporations paid 11.3% of Wisconsin's taxes. Today, they pay 4.6%. In the past 25 years, taxes shifted dramatically from businesses to individuals.

While the "Third highest tax state" sound bite receives an outpouring of media attention, there is a corresponding figure that you will almost never hear. Wisconsin ranks between 20th and 25th in state spending per capita. Why is our spending rate so much more reasonable than our tax rate? Most other states rely heavily on fees to bring in revenue. As just one example, look at what it costs to register a vehicle. In Wisconsin, the fee is a flat \$55 per year. Colorado has an annual license fee that averages between \$20 and \$30 for a passenger vehicle. It then adds an ownership fee, determined by a complicated formula based on the taxable value of the vehicle. For a new, \$30,000 vehicle, this fee amounts to \$535, or almost ten times the registration fee in Wisconsin.

Legislators championing a TABOR amendment here in Wisconsin almost seem to be begging voters to save them from themselves. They could cut state spending and eliminate programs right now. But then they would have to face the wrath of angry people who depend on state services. It would be so much easier to blame TABOR for those cuts.

They would also be abrogating their responsibilities as elected officials. Voters elect representatives to weigh information and set spending priorities. If legislators don't want to make decisions on the merits of individual programs, if they prefer faceless limits imposed on them by a rigid formula, if they seek to avoid scrutiny of their spending decisions, I find it hard to fathom why they bothered to run for office in the first place.

I sincerely value your opinions and comments on issues regarding state policy. If I am to represent you in the best way possible in state government, I need to know how you feel about certain topics. Please take a few moments to fill out this survey and mail it back to me. If more than one person in your household would like to fill out the survey, please use the second row of boxes after each question. Almost 2000 people responded to my last questionnaire, and I personally read each and every reply. **Thank you for your help!**

The compiled results of this questionnaire will be posted on my website by May, 15th at <http://terese.us>

1) Should voters be required to bring a picture ID to the polls in order to vote? Proponents say this would cut down on election fraud. Opponents think it would disenfranchise low-income, disabled, and elderly people who don't have drivers' licenses and would have to get another form of ID.
☐ ☐ Yes
☐ ☐ No
☐ ☐ Don't know

2) Should the state prohibit local governments from enacting higher minimum wages than the current state minimum of \$5.15 an hour?
☐ ☐ Yes
☐ ☐ No
☐ ☐ Don't know

3) Should the state minimum wage of \$5.15 an hour be increased?
☐ ☐ Yes
☐ ☐ No
☐ ☐ Don't know

4) Currently, talking on a cell phone while driving is legal, but changes to the law have been proposed. Which of the following statements most closely represents your opinion about the use of cell phones while driving?
☐ ☐ The law should be left as it is
☐ ☐ Drivers should be allowed to use hands-free cell phones
☐ ☐ Drivers should be prohibited from using cell phones while driving

5) Under current law, a person may be ticketed for not wearing a seat belt only if he or she has been stopped for some other reason. Should police ticket seat belt violators even if they have not committed another offense?
☐ ☐ Yes
☐ ☐ No
☐ ☐ Don't know

6) Should all drivers be required to have liability insurance?
☐ ☐ Yes
☐ ☐ No
☐ ☐ Don't know

7) During the budget debate last summer, some legislators proposed freezing local property taxes. Currently, local governments - city councils, town boards, school districts - set the property tax levy. In your opinion, who should make taxing and spending decisions that affect local municipalities?
☐ ☐ State government
☐ ☐ Local governments
☐ ☐ Don't know

8) How likely will you be to support future referenda to allow school districts to exceed state-imposed revenue caps?
☐ ☐ Very likely
☐ ☐ Somewhat likely
☐ ☐ Not very likely
☐ ☐ Not at all likely

9) Would you vote in favor of a plan to take most of the cost of local public schools off property tax bills in exchange for an increase in the state sales tax?
☐ ☐ Yes
☐ ☐ No
☐ ☐ Don't know

10) Charter schools are seen by some as a workable alternative, with more flexible rules, to the public school system. Who should be able to operate charter schools? (You may select more than one option.)
☐ ☐ School districts
☐ ☐ Universities and technical colleges
☐ ☐ Local governments like cities or counties
☐ ☐ Charter schools should be prohibited

11) Should Wisconsin prohibit construction of new nuclear power plants?
☐ ☐ Yes
☐ ☐ No
☐ ☐ Don't know

12) Which of the following statements best reflects your opinion regarding same-sex unions? The state should:
☐ ☐ allow gay marriage
☐ ☐ only allow civil unions

☐ ☐ retain current law that bars legal recognition of same-sex relationships
☐ ☐ pass a constitutional amendment to prohibit gay marriages and civil unions

13) In 1979, corporations paid 11.3% of Wisconsin's taxes. Today, they pay 4.6%. Supporters say this change has improved the business climate. Opponents say the decrease in corporate taxes means other taxpayers pay more. Do you think that the state taxes paid by Wisconsin corporations are:
☐ ☐ Too high
☐ ☐ Too low
☐ ☐ About right
☐ ☐ Don't know

14) Would you support "conscience clause" legislation to allow medical professionals and pharmacists to refuse to provide prescriptions or procedures (such as contraceptives or end of life instructions) with which they have moral objections?
☐ ☐ Yes
☐ ☐ No
☐ ☐ Don't know

15) Which statement most closely represents your opinion about abortion and the law?
☐ ☐ Abortion should remain legal
☐ ☐ Abortion should be illegal except for cases of rape or incest, or if the mother's health is in danger
☐ ☐ Abortion should be illegal unless the mother's life is in danger
☐ ☐ All abortions should be illegal

16) What are the three most important issues facing state government?

A)_____

B)_____

C)_____